

Remarks:

Claims 22-24, stands rejected under 35 U.S.C. 102(b) as being anticipated by Baratelli.

This rejection is respectfully traversed.

Case Law:

Nowhere does the Baratelli reference disclose using ultraviolet blocking lenses. The Baratelli reference is for safety glasses and not for sunglasses.

For a proper 102 reference:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co. et. al, 221 USPQ 481, 485 (Fed. Cir. 1984). Connell v. Sears, Roebuck & Co., 220 USPQ 193, 204 (Fed. Cir. 1983).

Those claimed elements must be identically shown in the reference. Hybritech, Inc. v. Monoclonal Antibodies, Inc., 231 USPQ 81 (Fed. Cir. 1986).

Moreover, in considering the elements of the claims, the preamble must also be considered which is necessary to give meaning to the claim and properly define the invention. Perkin-Elmer Corp. v. Computervision Corp., 221 USPQ 669 (Fed. Cir. 1984).


Accordingly, Applicant respectfully submits that Baratelli does not teach, show, or suggest the invention that is claimed by Applicant in Claims 22-24.

New claims 25-31 have been added to further clarify the instant invention.

In view of all of the foregoing, it is respectfully submitted that all of the claims, original and new, patentably distinguish over the cited reference, whether taken singly or in combination. Reexamination and reconsideration of the claims, withdrawal of the rejections, and allowance of all the pending claims are respectfully requested.

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Respectfully submitted,



Mark W. Kröll
493 Sinaloa Road
Simi Valley, CA 93065

818-493-2234

mark@krolls.org